



DEPARTMENT OF COMMERCE

International Trade Administration

[A-533-843]

Certain Lined Paper Products from India: Preliminary Results of Antidumping Duty Administrative Review and Preliminary Determination of No Shipments; 2018-2019

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) is conducting an administrative review of the antidumping duty order on certain lined paper products from India, covering the period of review (POR), September 1, 2018 through August 31, 2019. We preliminarily find that Navneet Education Ltd. (Navneet) and Super Impex did not make sales of subject merchandise at less than normal value during the POR. We invite interested parties to comment on these preliminary results.

DATES: Applicable [INSERT DATE OF PUBLICATION IN THE *FEDERAL REGISTER*].

FOR FURTHER INFORMATION CONTACT: Samuel Brummitt, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue, NW, Washington DC 20230; telephone: (202) 482-7851.

SUPPLEMENTARY INFORMATION:

Background

On September 28, 2006, Commerce published the *Order* in the *Federal Register*.¹ On November 12, 2019, pursuant to section 751(a)(1) of the Tariff Act of 1930, as amended (the

¹ See *Notice of Amended Final Determination of Sales at Less Than Fair Value: Certain Lined Paper Products from the People's Republic of China; Notice of Antidumping Duty Orders: Certain Lined Paper Products from India, Indonesia and the People's Republic of China; and Notice of Countervailing Duty Orders: Certain Lined Paper Products from India and Indonesia*, 71 FR 56949 (September 28, 2006) (*Order*).

Act), Commerce initiated an administrative review of the *Order*.²

On April 24, 2020, Commerce tolled all deadlines in administrative reviews by 50 days.³

On June 11, 2020, we extended the deadline for the preliminary results to November 18, 2020.⁴

On July 21, 2020, Commerce tolled all deadlines in administrative reviews by an additional 60 days.⁵ The deadline for the preliminary results of this review is now January 19, 2021.

Commerce initiated this administrative review covering the following 13 companies:

Cellpage Ventures Private Limited (Cellpage); Goldenpalm Manufacturers PVT Limited (Goldenpalm); Kokuyo Riddhi Paper Products Pvt. Ltd. (Kokuyo); Lodha Offset Limited (Lodha); Lotus Global Private Limited (Lotus Global); Magic International Pvt. Ltd. (Magic); Marisa International (Marisa); Navneet; Pioneer Stationery Pvt. Ltd. (Pioneer); PP Bafna Ventures Private Limited (PP Bafna); SAB International (SAB); SGM Paper Products (SGM); and Super Impex.⁶ This review covers two mandatory respondents, Navneet and Super Impex. The other 11 companies were not selected for individual examination and remain subject to this administrative review.

Scope of the *Order*

The merchandise covered by the *Order* is certain lined paper products. The merchandise subject to this order is currently classified under the following Harmonized Tariff Schedule of the United States (HTSUS) subheadings: 4811.90.9035, 4811.90.9080, 4820.30.0040, 4810.22.5044, 4811.90.9050, 4811.90.9090, 4820.10.2010, 4820.10.2020, 4820.10.2030, 4820.10.2040, 4820.10.2050, 4820.10.2060, and 4820.10.4000. Although the HTSUS numbers are provided for convenience and customs purposes, the written product description remains

² *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 84 FR 61011 (November 12, 2019) (*Initiation Notice*).

³ See Memorandum, “Tolling of Deadlines for Antidumping and Countervailing Duty Administrative Reviews in Response to Operational Adjustments Due to COVID-19,” dated April 24, 2020.

⁴ See Memorandum, “Certain Lined Paper Products from India: Extension of Time Limit for Preliminary Results of Antidumping Duty Administrative Review; 2018-2019,” dated June 11, 2020.

⁵ See Memorandum, “Tolling of Deadlines for Antidumping and Countervailing Duty Administrative Reviews,” dated July 21, 2020.

⁶ *Initiation Notice*, 84 FR at 61012- 61013.

dispositive. A full description of the scope of the *Order* is contained in the Preliminary Decision Memorandum.⁷

Preliminary Determination of No Shipments

On November 19 and November 26, 2019, Lodha and Marisa, respectively, submitted responses to Commerce's quantity and value questionnaire which indicated that the companies had no exports or sales of subject merchandise into the United States during the POR.⁸ To confirm Lodha and Marisa's no-shipment claims, on December 6, 2019, Commerce issued a no-shipment inquiry to U.S. Customs and Border Protection (CBP) concerning the two companies.⁹ CBP reported that it had no information to contradict Marisa's no shipments claim during the POR, but it found certain inconsistencies with respect to Lodha's no shipment claim.¹⁰

Given that Marisa reported that it made no shipments of subject merchandise to the United States during the POR, and there is no information calling Marisa's claim into question, we preliminarily determine that Marisa did not have any reviewable transactions during the POR. Consistent with Commerce's practice, we will not rescind the review with respect to Marisa but, rather, will complete the review and issue instructions to CBP based on the final results.¹¹ Concerning Lodha, for these preliminary results, we have included it among the firms subject to the rate for non-selected respondents.

⁷ See Memorandum, "Decision Memorandum for the Preliminary Results of Antidumping Duty Administrative Review: Certain Lined Paper Products from India; 2018-2019," dated concurrently and hereby adopted by this notice (Preliminary Decision Memorandum).

⁸ See Lodha's Letter, "Response to Quantity & Value Questionnaire," dated November 19, 2019; *see also* Marisa's Letter, "Certain Lined Paper Products from India: Marisa International ('Marisa') No export or sales of subject merchandise," dated November 26, 2019.

⁹ See Memorandum, "No Shipment Inquiry," dated December 10, 2019.

¹⁰ See Memorandum, "Request for Entry Summary," dated January 27, 2020 at Attachment.

¹¹ Commerce determined not to rescind a review with respect to exporters that demonstrate that they had no knowledge of sales through resellers to the United States because we find it appropriate to instruct CBP to liquidate such entries at the all-others rate applicable to the proceeding. Further, Commerce explained that it is more consistent with the Automatic Assessment Clarification not to rescind a review in part under these circumstances but rather to complete the review and issue appropriate instructions to CBP based on the final results of the review. *See, e.g., Certain Frozen Warmwater Shrimp from Thailand; Preliminary Results of Antidumping Duty Administrative Review, Partial Rescission of Review, Preliminary Determination of No Shipments; 2012-2013*, 79 FR 15951, 15952 (March 24, 2014), unchanged in *Certain Frozen Warmwater Shrimp from Thailand: Final Results of Antidumping Duty Administrative Review, Final Determination of No Shipments, and Partial Rescission of Review; 2012-2013*, 79 FR 51306, 51307 (August 28, 2014) at 6-7 (citing *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003) (*Automatic Assessment Clarification*)).

Methodology

Commerce is conducting this review in accordance with section 751(a)(2) of the Act. Export price is calculated in accordance with section 772 of the Act. Normal value is calculated in accordance with section 773 of the Act. For a full description of the methodology underlying our preliminary results, *see* the Preliminary Decision Memorandum. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at <http://enforcement.trade.gov/frn/>. The signed Preliminary Decision Memorandum and the electronic version of the Preliminary Decision Memorandum are identical in content. A list of the topics discussed in the Preliminary Decision Memorandum is attached as an Appendix to this notice.

Rate for Non-Selected Respondents

The statute and Commerce's regulations do not address the establishment of a rate to be applied to companies not selected for individual examination when Commerce limits its examination in an administrative review pursuant to section 777A(c)(2) of the Act. Generally, Commerce looks to section 735(c)(5) of the Act, which provides instructions for calculating the all-others rate in a market economy investigation, for guidance when calculating the rate for companies which were not selected for individual examination in an administrative review. Under section 735(c)(5)(A) of the Act, the all-others rate is normally "an amount equal to the weighted-average of the estimated weighted-average dumping margins established for exporters and producers individually investigated, excluding any zero or *de minimis* margins, and any margins determined entirely {on the basis of facts available}."

In this review, we have preliminarily calculated weighted-average dumping margins for Navneet and Super Impex that are zero. For the companies that were not selected for individual

review, we preliminarily assigned a rate based on the rates for the respondents that were selected for individual review, excluding rates that are zero, *de minimis*, or based entirely on facts available.¹² In accordance with the U.S. Court of Appeals for the Federal Circuit’s decision in *Albemarle Corp. v. United States*, we are applying to the ten companies that had reviewable transactions during the POR the zero percent rates calculated for Navneet and Super Impex.¹³ These are the only rates determined in this review for individual respondents and, thus, should be applied to the ten firms not selected for individual review under section 735(c)(5)(B) of the Act.

Preliminary Results of the Review

As a result of this review, we preliminarily find that the following weighted-average dumping margins existed for the period September 1, 2018 through August 31, 2019.

Producer/Exporter	Weighted-Average Dumping Margin (percent)
Cellpage Ventures Private Limited	0.00
Goldenpalm Manufacturers PVT Limited	0.00
Kokuyo Riddhi Paper Products Pvt. Ltd.	0.00
Lodha Offset Limited	0.00
Lotus Global Private Limited	0.00
Magic International Pvt. Ltd.	0.00
Navneet Education Ltd.	0.00
PP Bafna Ventures Private Limited	0.00
Pioneer Stationery Pvt. Ltd.	0.00
SAB International	0.00
SGM Paper Products	0.00
Super Impex	0.00

Assessment Rates

Upon issuance of the final results, Commerce shall determine, and CBP shall assess, antidumping duties on all appropriate entries covered by this review. If the weighted-average

¹² See section 735(c)(5)(A) of the Act.

¹³ See *Albemarle Corp. v. United States*, 821 F.3d 1345 (Fed. Cir. 2016).

dumping margin for Navneet or Super Impex is not zero or *de minimis* (i.e., less than 0.5 percent), we will calculate importer-specific *ad valorem* antidumping duty assessment rates based on the ratio of the total amount of dumping calculated for each importer's examined sales to the total entered value of those same sales in accordance with 19 CFR 351.212(b)(1).¹⁴ If the weighted-average dumping margin for the respondents listed above is zero or *de minimis* in the final results, or an importer-specific assessment rate is zero or *de minimis* in the final results, we will instruct CBP not to assess antidumping duties on any of their entries in accordance with the *Final Modification for Reviews*.¹⁵

In accordance with Commerce's assessment practice, for entries of subject merchandise during the POR produced by Navneet or Super Impex for which it did not know that its merchandise was destined for the United States, we will instruct CBP to liquidate unreviewed entries at the all-others rate of 3.91 percent, as established in the less-than-fair-value investigation, if there is no rate for the intermediate company(ies) involved in the transaction.¹⁶ For a full discussion of this practice, see *Assessment Policy Notice*.¹⁷

We intend to issue liquidation instructions to CBP 15 days after publication of the final results of this review.

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the notice of final results of administrative review for all shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) the cash deposit rate for respondents noted above will be the rates established in the final results of this administrative review; (2) for merchandise exported by producers or exporters not covered in

¹⁴ In these preliminary results, Commerce applied the assessment rate calculation method adopted in *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings: Final Modification*, 77 FR 8101 (February 14, 2012) (*Final Modification for Reviews*).

¹⁵ *Id.*, 77 FR at 8102.

¹⁶ See *Order*, 71 FR at 56952.

¹⁷ See *Automatic Assessment Clarification*.

this administrative review but covered in a prior segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published for the most recently completed segment of this proceeding; (3) if the exporter is not a firm covered in this review, a prior review, or the original investigation, but the producer is, then the cash deposit rate will be the rate established for the most recently completed segment of this proceeding for the producer of the subject merchandise; and (4) the cash deposit rate for all other producers or exporters will continue to be 3.91 percent, the all-others rate established in the investigation. These cash deposit requirements, when imposed, shall remain in effect until further notice.

Disclosure and Public Comment

We will disclose to parties to the proceeding any calculations performed in connection with these preliminary results of review within five days after the date of publication of this notice.¹⁸ Interested parties may submit case briefs not later than 30 days after the date of publication of this notice in the *Federal Register*.¹⁹ Rebuttal briefs, limited to issues raised in the case briefs, may be filed no later than seven days after the date for filing case briefs.²⁰ Parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) a statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.²¹ All briefs must be filed electronically using ACCESS. An electronically filed document must be received successfully in its entirety by the established deadline.

Interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance, within 30 days after the date of publication of this notice.²² Requests should contain: (1) the party's name, address, and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. Issues raised in the hearing will be limited to those

¹⁸ See 19 CFR 351.224(b).

¹⁹ See 19 CFR 351.309(c)(1)(ii).

²⁰ See 19 CFR 351.309(d)(1); see also *Temporary Rule Modifying AD/CVD Service Requirements Due to COVID-19; Extension of Effective Period*, 85 FR 41363 (July 10, 2020) (*Temporary Rule*).

²¹ See 19 CFR 351.309(c)(2) and (d)(2) and 19 CFR 351.303 (for general filing requirements).

²² See 19 CFR 351.310(c).

raised in the respective case and rebuttal briefs. If a request for a hearing is made, Commerce intends to hold the hearing at a time and date to be determined. Parties should confirm by telephone the date and time of the hearing two days before the scheduled date.

We intend to issue the final results of this administrative review, including the results of our analysis of the issues raised in any written briefs, not later than 120 days after the date of publication of this notice, pursuant to section 751(a)(3)(A) of the Act.

Notification to Importers

This notice serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties and/or countervailing duties prior to liquidation of the relevant entries during this review period.

Failure to comply with this requirement could result in the presumption that reimbursement of antidumping and/or countervailing duties occurred and the subsequent assessment of doubled antidumping duties.

Notification to Interested Parties

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.213(h)(1).

Dated: January 7, 2021.

Jeffrey I. Kessler,
Assistant Secretary
for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the Order
- IV. Preliminary Determination of No Shipments
- V. Companies Not Selected for Individual Examination
- VI. Discussion of the Methodology
- VII. Currency Conversion
- VIII. Recommendation

[FR Doc. 2021-01063 Filed: 1/15/2021 8:45 am; Publication Date: 1/19/2021]